

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ERIC FISHON, *et al.*,

Plaintiffs,

-v-

PELOTON INTERACTIVE, INC.,

Defendant.  
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19-cv-11711 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court is in receipt of a joint letter submitted by the parties setting forth their respective positions on the briefing schedule for Plaintiffs' motion for class certification. Dkt. No. 211. This order resolves the competing positions of the two parties and does not adopt either position.

The Court will permit discovery of the two named plaintiffs—including document discovery, written interrogatories and requests for admission, and depositions—prior to the making of class certification motions. Such discovery will ensure that Plaintiffs are able to address in their motions for class certification any issues that arise from the discovery of the named plaintiffs. Such discovery shall be completed by October 3, 2022. No other discovery related to the class certification motion is permitted. Under the Court's Case Management orders, discovery in this case was bifurcated, and Plaintiffs have confirmed—and Defendant does not contest—that the deadline for discovery related to class certification has passed. Dkt. Nos. 68; 94; 205 at 4–5. Although the Court stated at the May 9, 2022 hearing that it might say things in denying the motion to dismiss “that would usefully inform discovery on both sides,” Dkt. No. 205 at 11, the context of that statement was that the decision on the motion to dismiss might affect discovery of the named plaintiffs. The Court did not indicate that it would permit the reopening generally of class discovery.

It also is ORDERED that the schedule for briefing the motion for class certification and related motions shall be as follows:

- Plaintiffs' motion for class certification and Plaintiffs' expert reports shall be filed by October 17, 2022.
- Discovery of Plaintiffs' experts shall be concluded by October 31, 2022.
- Defendant's opposition to class certification and Defendant's expert reports, as well as any motions to exclude Plaintiffs' experts, shall be filed by November 14, 2022.
- Plaintiffs' discovery of Defendant's experts shall be concluded by November 30, 2022.
- Plaintiffs' reply in support of the motion for class certification and any opposition to Defendant's motion to exclude Plaintiffs' experts shall also be filed by November 30,

2022.

- Plaintiffs' motions, if any, to exclude Defendant's experts shall be filed by December 12, 2022.
- Defendant's opposition to Plaintiffs' motion to exclude Defendant's experts, if any, and any reply in support of its motion to exclude Plaintiffs' experts shall be filed by December 23, 2022.
- Plaintiffs' reply in support of any motion to exclude Defendant's experts shall be filed by January 6, 2022.

SO ORDERED.

Dated: August 22, 2022  
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN  
United States District Judge